

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 7566 OF 1996

Date: 12.12.2006

Between:

V.Chandra Rao and others.

... Petitioners.

And

The District Collector, E.G.Dist., Kakinada and others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 7566 OF 1996

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ORDER:

The relief sought for in the writ petition is for a direction to respondents 1 to 3 not to evict the petitioners from the land which is in their possession of an extent of Ac.12.46 cts in Survey No. 158, 147, 122/1D, 122/1E and 122/2, situated at Pidathamamidi village of Gangavaram Mandal, East Godavari District.

The grievance of the petitioners herein is that they are in occupation of the government land for the past 35 years, that they had cleared the land and had made it cultivable, and if they were evicted from the land, they would be deprived of their livelihood. They contend that since the Tribals did not wish to clear of the forest to cultivate the same, they were trying to occupy the petitioner's land which they had brought into cultivation and that the authorities are supporting them. The relief sought for in this writ petition is to direct the respondents not to evict them. These are all not matters which this Court would, ordinarily, examine in proceedings under Article 226 of the Constitution of India more so when the land is admittedly in a scheduled area and it is not in dispute that the provisions of the scheduled area land transfer regulations would apply.

Sri G. Dharma Rao, learned Counsel for the petitioner would, however, place reliance on an order of this Court in W.P.

No. 3064 of 1996 dated 14.02.2006 wherein this Court had directed the respondents not to evict the petitioners from their land without passing any written orders and, in case the eviction becomes inevitable, to furnish reasons as to why the petitioners were not entitled for the benefit under G.O.Ms. No. 971 dated 07.10.1969 and G.O.Ms. No. 41 dated 12.01.1971.

None appeared for the respondents.

It is necessary to note that this Court by order in W.P.M.P. No. 9304 of 1996 dated 10.04.1996 had passed an interim order directing the respondents 1 to 3 not to evict the petitioner from the land in their possession pending disposal of the writ petition. It would meet the ends of justice if the writ petition is disposed of directing the respondents 1 to 3 to take action against the petitioners in accordance with law, in case they intend to evict them from their possession of the lands in question.

Date: 12.12.2006

RAMESH RANGANATHAN, J

MRKR